

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ABBOTT CARDIOVASCULAR	)	
SYSTEMS, INC. and ABBOTT	)	
LABORATORIES, INC.,	)	
	)	
Plaintiffs,	)	C.A. No. 98-80 (SLR)
	)	(Consolidated with
v.	)	C.A. No. 98-314 (SLR) and
	)	C.A. No. 98-316(SLR))
MEDTRONIC VASCULAR, INC. and	)	
MEDTRONIC USA, INC.,	)	<b>REDACTED</b>
	)	<b>PUBLIC VERSION</b>
Defendants.	)	

**DECLARATION OF MICHAEL ELLWEIN**

MORRIS, NICHOLS, ARSHT & TUNNELL LLP  
Karen Jacobs Loudon (#2881)  
Leslie A. Polizoti (#4299)  
1201 N. Market Street  
P.O. Box 1347  
Wilmington, DE 19899-1347  
(302) 658-9200  
[lpolizoti@mnat.com](mailto:lpolizoti@mnat.com)  
*Attorneys for Medtronic Vascular, Inc.  
and Medtronic USA, Inc.*

OF COUNSEL:

Kevin S. Rosen  
Matthew A. Hoffman  
Anthony S. Newman  
GIBSON, DUNN & CRUTCHER  
LLP  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
(213) 229-7000

George M. Sirilla  
William P. Atkins  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
1650 Tysons Boulevard  
McLean, Virginia 22102  
(703) 770-7900

Original Filing Date: July 6, 2007  
Redacted Filing Date: July 23, 2007

FILED UNDER SEAL

NOTHING IN D.I. 737  
CAN BE MADE PUBLIC

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on July 23, 2007 I electronically filed the foregoing with the Clerk of the Court using CM/ECF which will send notification of such filing to Frederick L. Cottrell, III.

I further certify that on July 23, 2007 I served copies of the foregoing to the following counsel in the manner indicated:

**BY EMAIL**

Frederick L. Cottrell, III  
Anne Shea Gaza  
Richards Layton & Finger  
One Rodney Square  
P.O. Box 551  
Wilmington, DE 19899

**BY EMAIL**

J. Michael Jakes  
Michael A. Morin  
Finnegan Henderson Farabow Garrett & Dunner LLP  
901 New York Avenue, NW  
Washington, DC 20001-4413

/s/ *Leslie A. Polizoti*

Leslie A. Polizoti (#4299)  
lpolizoti@mnat.com